

REMARKS

The official action of 10 July 2008 has been carefully considered and reconsideration of the application as amended is respectfully requested.

The drawings have been amended with the addition of Figs. 12 and 13, which were inadvertently omitted from the application as filed. The omission and the correction (i.e., the replacement figures) would have been recognized by one of skill in the art from the application as filed at, for example, page 15, lines 7-10, page 30, line 10 to page 31, line 10 and original claims 65-70, such that the amendment respectfully does not introduce new matter into the application. See MPEP 2163.07(II) (“An amendment to correct an obvious error does not constitute new matter where one skilled in the art would not only recognize the existence of error in the specification, but also the appropriate correction.”). The specification has been amended at page 15 (“Brief Description of the Drawings”) to make clear that the replacement figures are not meant to show the dimensions of the features shown therein.

Claim 73 has been amended such that it is now more specifically directed to the embodiment of the invention described in the specification as filed at page 30, line 10 to page 31, line 4 and original claims 65-68. The claim as amended draws clear support from these portions of the description and now includes the following features:

1. an extruded carcass of closed cell foam,
2. a first overlaid layer of a composite liner material,
3. a second overlaid layer of explosive sheet,

4. a third overlaid layer of an inertial mass tamping carapace,
5. the carcass is provided with side flange portions which form terminating elements for the first, second and third layers, and
6. the first, second and third layers are fixed to the carcass by a suitable adhesive.

The text of the amended claim follows closely the text of the description of Figure 12. For this reason some minor amendments have been made to the dependent claims for correct antecedents.

The claims stand rejected under 35 USC 103(a) as allegedly being unpatentable over Dadley et al in view of Backofen, Jr. et al and further in view of Brinkmann or Dumas, or over this combination of references further in view of Neilson et al or Brown. Applicants respectfully traverse these rejections.

As discussed above, the claims as amended require that the claimed flexible linear charge element comprise the above features, which features require that (a) the recited carcass is overlaid with first, second and third overlaid layers whereby the curvature of the upper portion of the supporting carcass defines the shape of each of the overlaying layers, and (b) the flange portions form termination elements (see Fig. 12 at 212 and 213) with surfaces to which the outer ends of the overlaying layers of the composite liner, the explosive sheet and the tamping carapace may be secured by adhesive. The provision of termination flanges to which overlaid layers may be secured by adhesive adds to the security and integrity of the composite structure of the

claimed linear charge element. The claimed arrangement of a closed cell carcass with the provision of these termination flanges is not shown or suggested in the cited references.

Of the cited references, only Dadley discloses some form of carcass (Dadley at Fig. 3, reference numeral 17), which is described in Dadley only as a “groove filling portion”, the composition of which is not disclosed. Neither Dadley nor any of the other cited references shows or suggests the claimed combination of features or their arrangement as claimed to provide a linear charge element wherein a supporting carcass defines the shape of each of three overlaid layers and wherein projecting flange portions of the carcass provide surfaces to which outer ends of the overlaid layers may be secured by adhesive.

Moreover, neither Dadley nor any of the other cited references provides a reason or motivation to modify Dadley’s carcass in the manner required to arrive at the invention as claimed. To the contrary, Dadley teaches that the unspecified “groove filling portion” 17 disclosed in Fig. 3 is **surrounded entirely** by a casing 11 of a low density material such as expanded polyethylene having an engagement surface 12 which is placed in contact with a work surface 13 (Dadley at page 2, lines 8-18). Dadley thus teaches away from the claimed arrangement comprising a carcass with termination flanges as claimed. Applicants thus respectfully submit that there would not have been any reason or motivation to modify Dadley in the manner that would be required to arrive at the claimed invention. See MPEP 2143.01(VI) (“If the proposed modification or combination of the prior art would change the principle of operation of

the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious.”).

In view of the above, Applicants respectfully submit that all rejections and objections of record have been overcome and that the application is now in allowable form. An early notice of allowance is earnestly solicited and is believed to be fully warranted.

Respectfully submitted,

CLIFFORD J. MASS
LADAS & PARRY LLP
26 WEST 61ST STREET
NEW YORK, NEW YORK 10023
REG. NO.30,086(212)708-1890